

GENERAL AGREEMENT ON TARIFFS AND TRADE

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Committee on Technical Barriers to Trade

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REQUEST FOR INITIATION OF DISPUTE SETTLEMENT PROCEDURES UNDER ARTICLE 14.4 OF THE AGREEMENT

Communication from the United States with Respect to
the Government of Japan's Treatment of U.S.-Manufactured
Metal Softball Bats

Pursuant to the provisions of paragraph 4 of Article 14 of the Agreement on Technical Barriers to Trade, the United States Government requests a meeting of the Committee for the purpose of investigating the matter of the Government of Japan's refusal to grant U.S. producers of metal softball bats access to a government certification system under conditions no less favorable than those accorded to suppliers of like products of national origin. At issue in this case are procedures for obtaining the so-called "S" mark, which is provided by the Ministry of International Trade and Industry's Consumer Product Safety Association and the Industrial Manufacturers Inspection Institute. After factory registration and inspection, Japanese manufacturers are permitted to self-certify compliance with the regulations governing the use of the "S" mark. This factory inspection procedure allows Japanese manufacturers to have ownership of the "S" mark, without which bats will not be approved for use by the Japanese Rubberized Baseball League.

In early June 1982, the Industrial Manufacturers Inspection Institute refused to accept an application from a U.S. metal bat producer to register and inspect a U.S. factory under the factory inspection system. Instead the U.S. producer was told that his bats would be covered by the lot inspection system, under which each shipment of bats would be inspected upon importation.

The United States believes that the Government of Japan's actions in this case are inconsistent with its obligations under Article 7.2 of the Agreement. On August 6, 1982, representatives of the United States and Japan held formal consultations on this matter under Article 14.1 of the Agreement. On September 7, 1982, the United States Delegation delivered a written representation on this matter to the Japanese Delegation consistent with the provisions of Article 14.2 of the Agreement.

The Delegation of the United States suggests that the Committee initiate its investigation of this matter at its already scheduled meeting of 13-15 October 1982.